IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 6361 of 2005

Between:

Gutam Venkatamma, W/o.Late Gutam Raji Reddy,
R/o. 2-10-144, Waddepalli, Warangal District.

... PETITIONER

AND

Special Officer and Competent, Authority, Urban Land Ceiling, Warangal.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in not passing orders on the application dated 25-3-203 filed for allotment of vacant land in File No. A3/683/2003 to the petitioner to an extent of 6000 Sq. meters in Sy.No. 623 of Waddepalli, Warangal in the light of G.O.Ms.No. 455 dated 29-7-2002 is highly arbitrary, bad and illegal.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondent: GP FOR ASSIGNMENT

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6361 OF 2005

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ORDER:

The petitioner claims to be the absolute owner and possessor of the land to an extent of Ac.1.25 guntas situated in Sy.No.623 of Waddepalli, within the jurisdiction of Warangal Municipal Corporation. It is stated that the said land originally belonged to her late husband, who during his life time filed a declaration under the Urban Land (Ceiling & Regulation) Act, 1976. In pursuance thereof, the respondent – Special Officer and Competent Authority passed an order determining the surplus land held by him. In the meanwhile, the husband of the petitioner died and thereafter the petitioner submitted an application before the Mandal Revenue Officer seeking rectification of the entries in the Revenue Records bringing to his notice that certain wrong entries have been mentioned in the revenue records in respect of Sy.No.623. After due enquiry, the Mandal Revenue Officer declared that the petitioner is the owner and possessor of the land in Sy.No.623. The petitioner claims that in pursuance of the said proceedings, she is in possession to an extent of 6573 sq. mts. It is further claimed that as per G.O.Ms.No.455, Revenue (UC-I) Department, dated 29-07-2002 formulating guidelines for allotment of the excess land under Section 23 of the Urban Land (Ceiling & Regulation) Act, 1976, she is entitled to continue in possession of 6000 sq. mts instead of 200 sq. mts. as determined earlier. In the circumstances, she made a representation dated 25-03-2003 requesting the respondent – Competent Authority to allot the said land of 6000 sq.mts. in her favour in terms of G.O.Ms.No.455, dated 29-07-2002 and the same has been taken up on file as File No.A3/683/2003. However the respondent failed to respond and no orders have been passed so far. Hence, this writ petition seeking a Writ of Mandamus declaring the action of the respondent in not passing any order on her application dated 25-03-2003 is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignments appearing for the respondent.

Having regard to the fact that the representation dated
25-03-2003 made by the petitioner is admittedly pending before the respondent-Special Officer, Urban Land Ceiling, Warangal, on file No.A3/683/2003, the writ petition is disposed of with a direction to the respondent to consider the

representation dated 25-03-2003 in the light of the G.O.Ms.No.455 dated 29-07-2002 and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 25-03-2005

LSK

Copy to. –

1. Special Officer and Competent, Authority, Urban Land Ceiling, Warangal.
2. Two C.C. s to the G.P. for Ceiling, High Court Buildings, Hyderabad (OUT)

3. Two C.D. Copies.